

FILED

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

08 APR 29 AM 9:44

UNITED STATES OF AMERICA,

Plaintiff,

v.

Angel TINOCO-Perez,

Defendant(s)

Magistrate Case No.

08 MJ 1336

COMPLAINT FOR VIOLATION OF:

Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii)  
Bringing in Illegal Aliens Without  
Presentation

The undersigned complainant, being duly sworn, states:

On or about **April 28, 2008**, within the Southern District of California, defendant **Angel TINOCO-Perez**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Didier CASTILLERO-De La Luz, Miguel CHAVEZ-Aguilar, Jose Morales LOPEZ-Ramirez**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT

James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **29th** DAY OF **APRIL 2008**

Nita L. Stormes

UNITED STATES MAGISTRATE JUDGE

## CONTINUATION OF COMPLAINT:

Angel TINOCO-Perez

## PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Didier CASTILLERO-De La Luz, Miguel CHAVEZ-Aguilar, Jose Morales LOPEZ-Ramirez** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

At approximately 5:10 AM, <sup>on April 27, 2008</sup> Agent Miranda observed a blue GMC Savana full-size van, driving southbound on Tavern Road behind a silver Toyota Corolla. Due to the time of the day, these two vehicles were the only ones Agent Miranda had seen in the area in several minutes. The suspension of the van appeared level at that time. Agent Miranda noticed that both vehicles turned eastbound on Japatul Road while maintaining variable speeds. Agent Miranda contacted Border Patrol radio dispatch requesting stolen vehicle/registered owner information on the van referencing its displayed California license plate. Dispatch relayed that it had not been reported stolen and that it had a release of liability. Alien smuggling organizations (ASO) often use vehicles with no clear record of ownership, such as with a release of liability in an effort to mask the identity of ASO members.

Agent Miranda relayed his observations on the two vehicles to Agents in the area. A few minutes later, Agents Engelhorn and Ortiz observed both vehicles continue traveling in tandem westbound on Japatul Road past their location.

A few minutes after Agents Engelhorn and Ortiz observed the vehicles turn south on Lyons Valley Road, Agent A. Jimenez of the Brown Field Border Patrol Station, who was operating in full uniform and driving a marked unit, parked in an area known to Border Patrol Agents as The Helopad. The Helopad is a pullout area off of Lyons Valley Road near the U.S Forest Service Japatul Fire Station. Moments later, Agent Jimenez observed the van now traveling northbound on Lyons Valley Road towards Japatul Road. As the van past Agent Jimenez' position, he clearly noticed several heads duck down from the cargo compartment of the van. Agent Jimenez began to follow the van suspecting it had picked up illegal aliens. When the van approached the intersection of Lyons Valley Road and Japatul Road, it stopped for several seconds as if the driver was unsure as of where to turn. The driver eventually turned westbound on Japatul Road. At the intersection, Agent Miranda noticed the suspension of the van now appeared heavily laden. Agent Jimenez attempted a traffic stop on the van near the intersection of Old Japatul Road and Japatul Road. The driver of the van began pulling over on the right bumpy shoulder of the road but he did not stop completely. Both Agents Jimenez and Miranda noticed the front passenger door opened while the van continued rolling downhill, eventually going completely off the road. Agent Miranda noticed the driver of the van exit from the front passenger door and run to the brush. At that time, there was no longer a person in driver's seat. As the driver exited, the van continued to roll downhill and hit a metal pipe located on private property. The van eventually came to a complete stop after it crashed against a large pile of construction-like metals located on the same private property. One of the occupants, later identified as, **Didier CASTILLERO- De la Luz**, also bailed from the vehicle and ran towards the brush as the van was rolling. Agents Engelhorn, Ortiz and Baez responded to assist.

Agents Jimenez and Miranda approached the van and immediately observed several individuals lying in the rear cargo area and on the rear seat, including one later identified as **Angel TINOCO-Perez**. Agents Jimenez and Miranda identified themselves as United States Border Patrol Agents and questioned all sixteen occupants as to their citizenship and immigration status. All sixteen occupants individually admitted that they were citizens and nationals of Mexico with no proper immigration documents that would allow them to enter or remain in the United States legally.

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**CONTINUATION OF COMPLAINT:****Angel TINOCO-Perez**

Agents Miranda and Engelhorn began looking for both the driver and CASTILLERO through the brush. Agent Engelhorn noticed CASTILLERO running away from the scene from a distance. Agent Engelhorn followed CASTILLERO and eventually found him hiding in the thick brush. Agent Engelhorn identified himself as a Border Patrol Agent and questioned CASTILLERO as of his citizenship. CASTILLERO said that he was a citizen and national of Mexico with no proper immigration documents allowing him to enter or remain in the United States legally. The driver was never found. All seventeen individuals arrested were transported to the Brown Field Border Patrol Station for processing.

**DEFENDANT STATEMENT:**

Agent Miranda read the defendant his Miranda rights. The defendant stated that he understood his Miranda rights and said that he was willing to answer their questions without an attorney present.

**TINOCO** said he is a citizen and national of Mexico, illegally present in the United States. He said that he works as an alien foot-guide for another alien smuggler known to him as La Ballena. La Ballena pays **TINOCO** \$200 (USD) per smuggled alien. **TINOCO** said he has smuggled aliens in every event that he has been apprehended in.

On Friday April 25, 2008, La Ballena brought the group that **TINOCO** was apprehended with today, to a ranch in Mexico. **TINOCO** came for the group and took them to the United States/Mexico border. He illegally crossed with the group that night by walking through the hills. He said he was the only foot-guide in the group. He and the group were expecting to be picked up at 5:00 AM on today's date by someone in a vehicle. He said the van that was supposed to be picking them up arrived at approximately 5:00 AM. Upon arrival, the driver yelled for the group to get in. **TINOCO** instructed the group to get in the vehicle. After everyone in the group was inside, they left the area in the vehicle. Shortly after, everyone in the group he crossed with were arrested after the vehicle they were in crashed. **TINOCO** said he did not recognize the driver.

**MATERIAL WITNESSES STATEMENTS:**

The statements of material witnesses **Didier CASTILLERO-De La Luz, Miguel CHAVEZ-Aguilar, Jose Morales LOPEZ-Ramirez** agree in summary that they are citizens and nationals of Mexico and illegally present in the United States. They stated that they do not have any immigration documents allowing them to be in the United States legally. They stated that arrangements had been made in Mexico to be smuggled into the United States. The material witnesses stated that they were to pay between \$1,700.00 to \$2,000.00 to be smuggled into the United States. Material witnesses CASTILLERO and CHAVEZ were able to positively identify the defendant in a photographic lineup, as the foot guide of the group who led them across the U.S./Mexico Border.